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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,354	10/23/2003	Dan Dwyer	200310672	2728

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EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,354	Applicant(s) DWYER ET AL.	
	Examiner Rochelle Blackman	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,16-21,29-36,54-59 and 63 is/are pending in the application.
- 4a) Of the above claim(s) 4,8-15,22-28,37-53 and 60-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,16-21,29-36,54-59 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/23/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Examination of claims 1-3, 8, 16-19, 29-32, 37, 54-56, and 59 was provided in the last Office action. In light applicants arguments in the reply filed June 14, 2005, with respect to Fig. 2 and claims 5-7, 20, 21, 33-36, and 57 being treated as withdrawn due to reciting features not shown in Fig. 1, Fig. 2 is hereby rejoined with Fig. 1 and are now considered to represent one species and contain features recited in claims 5-7, 20, 21, 33-36, and 57. Examination of claims 5-7, 20, 21, 33-36, and 57 along with claims 1-3, 8, 16-19, 29-32, 37, 54-56, and 59 and is provided below.

2. In response to applicant's arguments regarding the withdrawal of claim 4, lens tube 103 illustrated in Figs. 1 and 2 can only be positioned between 0 and 90 degrees and not between 0 and 180 degrees with respect to swivel base 105. The lens tube 103 cannot be positioned at any angle greater than 90 degrees or between 90 and 180 degrees with respect to swivel base 105. The embodiment with the lens tube positioned between 0 and 180 degrees is not shown according to pg. 4, paragraph [0023] of applicant's specification. Therefore, claim 4 is considered to be directed to a non-elected species and will remain withdrawn.

3. Claims 8 has been amended to now recite, "a light source separate from the lens, said light source being disposed on an exterior of said housing so as to provide light around an area of said housing" and claim 9, similarly now recites, "coupling a light source to an exterior of said housing". A drawing objection was made for not illustrating

the light source recited in claims 8 and 37. Applicant states, on pg. 16, under DRAWINGS of the REMARKS, the claimed light source is illustrated as element (192) in Fig. 10 and is described as such in the corresponding text of the application. It is noted that Fig. 10 corresponds to a non-elected species. Therefore claims 8 and 37 are treated as claims drawn to a non-elected species and are hereby withdrawn.

4. Claim 58, which depends upon independent claim 54 and recites "a light source means, said light source means associated with said housing means", which was similarly and previously recited in now amended claims 8 and 37, was inadvertently withdrawn and is now hereby treated as an "elected" claim.

5. Applicant's election, with traverse, of Fig. 1, corresponding to claims 1-8, 12-21, 29-37, 55-59, 61, and 62 in the reply filed on November 22, 2004 and June 14, 2005 is again acknowledged. The traversal is on the ground(s) that no explanation, reasons and/or examples to support the conclusion that each of Figs. 1-12 illustrates or represents patently distinct species. As stated above, Figs. 1 and 2 have been rejoined and now represent one species therefore, 11 species are now present. In response, some species, for example, require a search for a lens tube that swivels with respect to the housing, whereas other species do not require a search for this feature.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's arguments with respect to the rejection of claims 1-3, 5-7, 16-21, 29-36, 54-59, and 63 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "circuitry configured to generate an image" recited in claim 54 and the "light source means...associated with said housing means" recited in claim 58 must be shown in the "elected" species or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-7, 17-21, 29-31, 33-36, and 54-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Na (U.S. Patent No. 5,788,355).

Regarding claim 1, Na discloses a projector (see FIGS. 2-5), comprising: a housing (see 10 of FIGS. 2-4) for housing circuitry configured to generate an image (the "circuitry" is not positively recited as part of the "projector", nor is "an image" and therefore does not further limit the "projector". In addition, projectors are considered to have some sort of circuitry to function, therefore, the "projector" of FIGS. 2-5 is considered to have circuitry that is capable of being configured to generate an image), said housing including a bottom surface (see bottom surface of 10 in FIGS. 2-4); a lens (see 11 of FIGS. 2-4) configured to focus and project said image (the "projector" has a "lens" 11, which is a projection lens, therefore the lens is considered to be capable of being configured to focus and project an image); and a swivel base (see 45 of FIGS. 2 and 3) coupled to said bottom surface of said housing; wherein said lens is aimed in a

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horizontal plane by swiveling said housing on said swivel base (see axis and rotation direction arrow at top of "housing" 10 in FIG. 2).

Regarding claim 2, Na discloses a lens tube (also see 11 in FIGS. 2-4) containing said lens; a lens track (see 27 and 28 in FIGS. 2-4) on said housing; wherein said lens tube is configured to translate along said lens track to vertically position said lens (see movement of element 12, which holds "lens tube" 11, relative to "lens track" 27 and 28 in FIGS. 2-4).

Regarding claim 3, Na discloses wherein said lens tube is configured to translate along said lens track such that said lens is vertically positioned at an angle between 0 and 90 degrees with respect to said swivel base (for example, see $\theta 1$ in FIG. 3).

Regarding claim 5, Na discloses wherein said translation of said lens tube along said lens track is motorized (see function of 26 in FIGS. 3-5).

Regarding claim 6, Na discloses wherein said swiveling of said housing is motorized (see function of 46 in FIGS. 3-5).

Regarding claim 7, Na wherein said swivel base is configured to be coupled to a ceiling ("swivel base" 45 has a flat surface, so it is considered to be configured to be coupled to the ceiling).

Regarding claim 16, Na discloses wherein said housing is configured to swivel 360 degrees in said horizontal plane (also see axis and rotation direction arrow at top of "housing" 10 in FIG. 2).

Regarding claim 17, Na discloses where said image comprises a video image (As previously stated with respect to claim 1, the "image" is not positively recited and therefore does not further limit the claim. In addition, since the "projector" of FIGS. 2-5 is considered to have circuitry that is capable of being configured to generate an image, it is considered capable of being configured to generate a "video" image as well).

Regarding claim 18, Na discloses wherein said image comprises a still image (As previously stated with respect to claim 1, the "image" is not positively recited and therefore does not further limit the claim. In addition, since the "projector" of FIGS. 2-5 is considered to have circuitry that is capable of being configured to generate an image, it is considered capable of being configured to generate a "still" image as well).

Regarding claim 20, Na discloses a motor (see 46 of FIG. 3-5) for moving said housing on said swivel base.

Regarding claim 21, Na discloses a detente mechanism (see 44, 46a, 46, and 47 in FIGS. 3-4, these elements are considered to be capable of inhibiting movement of "housing" 10 with respect to "swivel base" 45) between said housing and said swivel base to inhibit movement of said housing with respect to said swivel base.

Regarding claim 29-31 and 33-36, the "method of making a projector" is similarly met by the features and functions of the above-mentioned elements for the "projector" of claims 1-3, 5-7, 16, 18, 20, and 21. As stated above, with respect to the "circuitry" and "an image" of claim 1, the "circuitry" and "an image" recited in claim 29, are not positively recited and therefore does not further limit the method step of providing a

“housing” in the “method of making a projector”. In addition, projectors are considered to have some sort of circuitry to function, therefore, the “projector” of FIGS. 2-5 is considered to have circuitry that is capable of being configured to generate an image.

Regarding claims 54-57, the “projector” is similarly met by the above-mentioned elements for the “projector” of claims 1-3, 5-7, 16, 18, 20, and 21. With respect to the “circuitry configured to generate an image” recited in claim 54, “an image” is not positively recited and does not further limit the claim. In addition, projectors are considered to have some type of circuitry in order to function, therefore the “projector” of FIGS. 2-5 of Na is considered to have circuitry that is capable of being configured to generated an image.

Regarding claim 58, Na discloses a light source means, said light source means associated with said housing means (see *light source* in col. 2, lines 35-43).

2. Claims 1, 7, 16, 17-21, 29, 32, 35, 36, 54, 57-59, and 63 are rejected under 35 U.S.C. 102(b) as being anticipate by Lloyd (UK Patent No. 2355080).

Regarding claim 1, Lloyd discloses a projector (see Figures 1-4), comprising: a housing (see 1 and 3 of Figures 1-4) for housing circuitry configured to generate an image, said housing including a bottom surface (see 1 of Fig. 3); a lens (see 27 of Figure 4) configured to focus and project said image; and a swivel base (see Figures 1 and 2) coupled to said bottom surface of said housing; wherein said lens is aimed in a horizontal plane by swiveling said housing on said swivel base (see pg. 4, lines 3-5).

Regarding claim 7, Lloyd discloses wherein said swivel base is configured to be coupled to a ceiling ("swivel base" 5 has a flat surface, so it is considered to be configured to be coupled to the ceiling).

Regarding claim 16, Lloyd discloses wherein said housing is configured to swivel 360 degrees in said horizontal plane ("housing" 1, 3 can be rotated or swiveled on "base" 5, so it is considered to be configured to swivel 360 degrees in the horizontal plane).

Regarding claim 17, Lloyd discloses wherein said image comprises a video image (the "projector" of Figures 1-4 is configured to generated an image, therefore is considered capable of being configured to generated a "video" image as well).

Regarding claim 18, Lloyd discloses wherein said image comprises a still image the "projector" of Figures 1-4 is configured to generated an image, therefore is considered capable of being configured to generated a "video" image as well).

Regarding claim 19, Lloyd discloses wherein said housing is hemispherically shaped (see shape of "housing" 1, 3 in Figures 1-4).

Regarding claim 21, Lloyd discloses further comprising a detente mechanism between said housing and said swivel base to inhibit movement of said housing with respect to said swivel base (see *indentations* on pg. 4, lines 5-7 – movement of the lower portion is considered to be inhibited while positioned in the several indentations).

Regarding claims 29, 35, and 36, the "method of making a projector" is similarly met by the features and functions of the above-mentioned elements for the "projector" of claims 1, 7, and 21.

Regarding claim 32, Lloyd discloses comprising configuring said lens tube and said housing to be controlled manually ("lens tube" 27 and "housing" 1, 3 are considered to be configured to be controlled manually; also see pg. 4, lines 3-7 and pg. 6, lines 24-26; and also see rotation of element 9, which lens 27 is attached to, between the two positions illustrated in Figures 1 and 2).

Regarding claims 54 and 57, the "projector" is similarly met by the above-mentioned elements for the "projector" of claims 1 and 7.

Regarding claim 58, Lloyd a light source means, said light source means associated with said housing means (see 29 of Figure 4).

Regarding claim 59, Lloyd discloses said means for rotating are configured to be manually controlled ("housing" 1, 3 is considered to be configured to be manually rotated).

Regarding claim 63, Lloyd discloses wherein said housing is a hemisphere (see shape of "housing" 1, 3 in Figs. 1-4) that swivels on said base about an axis that is normal to said bottom surface of said hemispheric housing and passes through a center of said swivel base (see function of 1, 3 in Figures 1-4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Yamamoto (U.S. Patent No. 5,459,539), Optical Projection Apparatus.
2. Harada (U.S. Design Patent No. D378,096), Apparatus for Projecting Video Images.
3. Ohshima et al. (U.S. Design Patent No. D489,390), Liquid Crystal Projector.
4. Hara et al. (U.S. Patent Application Publication No. 2004/01252343), Projection Type Display Device.
5. Lloyd (U.S. Patent No. 6,769,778), Slide Projector.
6. Kokin et al. (U.S. Patent Application Publication No. 2005/0012909), Projection System with Flexible Orientation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB

A handwritten signature in black ink, appearing to read 'W B Perkey', with a long, sweeping horizontal line extending to the right.

William Perkey
Primary Examiner